

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 03-10182
)	
JOSE GRANADOS-CARDONA,)	
)	
Defendant.)	
_____)	

Order

The court has received the defendant's motion asking for clarification of when his sentence commenced for purposes of federal custody. Doc. 56. The motion cites 18 U.S.C. § 3585(b), and appears to argue that the Bureau of Prisons (BOP) has improperly failed to give him credit for certain time spent in custody prior to being sentenced in the instant case.

After a district court sentences a federal offender, the Attorney General, through the BOP, has the responsibility for administering the sentence. *United States v. Wilson*, 503 U.S. 329, 335 (1992). At that point, only the Attorney General has the authority under § 3585(b) to grant credit for time served before sentencing. *See Wilson*, 503 U.S. at 333-37.

Federal regulations provide prisoners with various administrative remedies within the BOP. *See* 28 C.F.R. 542.10 - 542.16. If a defendant desires to challenge the BOP's determination of credit for time served, he must first exhaust his administrative remedies with the BOP. If he fails to obtain a satisfactory result from the BOP, he may then seek to challenge that determination by filing a petition under 28 U.S.C. § 2241. A § 2241 petition, however, must be filed in the district in which the prisoner is incarcerated. *See, e.g., United States v. Meindl*,

2007 WL 1452992 (D. Kan., May 17, 2007).

This court does not have the authority to determine the credit issue raised by the defendant. Defendant's motion does not allege any facts to show that he has exhausted his administrative remedies with the BOP, nor does it cite any reason for failing to do so. Moreover, the defendant is not incarcerated in this district.

Defendant's Motion for Clarification of Sentence (Doc. 56) is therefore DENIED. IT IS SO ORDERED this 25th Day of February, 2009, at Wichita, Ks.

s/Wesley E. Brown

Wesley E. Brown

U.S. Senior District Judge